



ATTORNEYS AT LAW

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL M. SILOS, an individual; ATHLENE GRANA SILOS, an individual; and AVEN SILOS, a Minor, by and through his parent and natural guardian, ATHLENE GRANA SILOS,

CASE NO.: 2:19-cv-00154-JAD-CWH

Plaintiffs,
vs.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, individually; DOES 1 through 10, inclusive; and ROE CORPORATIONS 1 through 10, inclusive,

STIPULATION AND ORDER TO EXTEND TIME FOR PLAINTIFFS TO FILE OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6)

Defendants.

COMES NOW Plaintiffs, by and through their counsel of record, RALPH A. SCHWARTZ, ESQ., and Defendant, by and through its counsel of record, BENJAMIN J. CARMAN, ESQ., hereby submit this Stipulation and Order to Extend Time pursuant to Local Rules 6-1 and 7-2. Plaintiffs are seeking a one week extension of time to respond to Defendant's Motion to Dismiss. As such, Plaintiffs' response shall be due on or before March 5,

1 2019. Defendant's Reply to Plaintiffs' response shall be filed eleven (11) days after the service
2 of Plaintiffs' response pursuant to Local Rule 7-2©.

3 **I. FACTUAL BACKGROUND**

4 This lawsuit involves a UIM breach of contract and bad faith action. More specifically,
5 on June 4, 2016, Plaintiffs were involved in a motor vehicle collision. As a result of the
6 accident, Plaintiffs claimed personal injuries. Plaintiffs' settled with the third-party tortfeasor
7 for his minimum policy limits of \$15,000.00/\$30,000.00. Plaintiffs subsequently submitted a
8 UIM claim, however, the parties were not able to reach an agreement regarding the value of
9 Plaintiffs' claims and as a result a Complaint was filed in Nevada State Court on August 8,
10 2017. Defendant removed this matter to Federal Court on January 25, 2019. The parties have
11 not engaged in discovery in this matter as of the filing of Defendant's Motion to Dismiss.

12 On February 26, 2019 the undersigned's paralegal, Christy Cook, requested an extension
13 from Defendant's counsel to file Plaintiffs' Opposition to the Motion to Dismiss and the same
14 was granted.

15 **A. REASON FOR EXTENSION**

16 Plaintiffs' counsel is a solo practitioner and has been in depositions and mediations
17 during the last two weeks. Additionally, Plaintiffs' counsel's children are participating in a
18 Taekwondo tournament the week of February 26, 2019 and will be fighting for the United States
19 of America. Plaintiffs' counsel is the coach for his children and the team, and therefore
20 Plaintiffs' counsel is required to be present at the tournament venue from February 26, 2019
21 through March 3, 2019. Plaintiffs' counsel requests until March 5, 2019 to file a responsive
22 pleading to Defendant's Motion.

23 In light of the foregoing, it is respectfully requested that this Court order the following:



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1
2 1. Plaintiffs' Opposition to Defendant's Motion to Dismiss be filed on or before
March 5, 2019; and
3

4 2. Defendant's Reply to Plaintiffs' Opposition shall be filed and served on Plaintiffs
5 eleven (11) days after service of Plaintiff's response.
6

Dated this 26th day of February, 2019.

RALPH A. SCHWARTZ, P.C.

/s/ *Ralph A. Schwartz, Esq.*

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Attorney for Plaintiffs

Dated this 26th day of February, 2019.

RANALLI ZANEL FOWLER
& MORAN, LLC

/s/ *Benjamin J. Carman, Esq.*

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ORDER

Pursuant to the foregoing Stipulation of the parties;

IT IS HEREBY ORDERED that Plaintiffs shall have a one week extension, to and including March 5, 2019, to file their Opposition to Defendant's Motion to Dismiss Pursuant to FRCP 12(b)(6), filed February 12, 2019.

Doe

UNITED STATES DISTRICT JUDGE
Dated: February 27, 2019.